

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JOHNNY L. CROWELL, JR., individually and
on behalf of those similarly situated,

Plaintiff,

v.

STRYKER SALES CORPORATION,

Defendant.

CASE NO. 1:12-cv-1219-JMS-DML

DEFENDANT'S COUNSEL'S RESPONSE TO THE COURT'S MAY 1, 2013 ORDER

Counsel for Defendant Stryker Sales Corporation hereby responds to the Court's Order of May 1, 2013 as follows:

1. A telephone status conference was set in this case for April 30, 2013, at 9:00 a.m. (Eastern). (Doc. No. 35.)
2. Plaintiffs appeared at that status conference by counsel, but counsel for Defendant did not appear.
3. Specifically, the undersigned counsel inadvertently thought that the telephonic status conference was at 9:00 a.m. (Central), and not 8:00 a.m. (Central). Accordingly, the undersigned counsel did not call into the Court at the prescribed time and did not realize his mistake until after the telephone status conference had concluded.
4. The undersigned counsel has been practicing law for approximately 12 years and has never missed a status conference or hearing, including telephonic and in-person hearings before this Court. The undersigned counsel apologizes to the Court and counsel for Plaintiffs for this mistake and any inconvenience that it caused, and ensures the Court that it will not happen again.

5. After the status conference, the undersigned counsel contacted Plaintiffs' counsel, who informed the undersigned of the issues discussed at the status.

DATED: May 8, 2013

Respectfully submitted,

STRYKER SALES CORPORATION

By: s/ Arthur J. Rooney

Noah A. Finkel

Arthur J. Rooney

SEYFARTH SHAW LLP

131 South Dearborn Street

Suite 2400

Chicago, Illinois 60603

Telephone: (312) 460-5000

Facsimile: (312) 460-7000

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on May 8, 2013, he filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Philip J. Gibbons, Jr.
Andrew G. Jones
GIBBONS JONES, P.C.
Two Meridian Plaza
10401 North Meridian Street, Suite 130
Indianapolis, IN 46290
Telephone: (317) 706-1100
Facsimile: (317) 616-3336
E-Mail: pgibbons@gibbonsjones.com
ajones@gibbonsjones.com

s/ Arthur J. Rooney_____